

In the High Court of Travancore-Cochin.
Before
His Lordship The Hon'ble Shri. K.T.Koshi, Chief Justice
and
His Lordship The Hon'ble Shri. K.S.Govinda Pillay, Judge.

A.S.No.9 of 1952.
O.S.No.22 of 116, District Court, Quilon.

Appellant:

Vareed Joseph, Kizhakke Cheruvila Veedu, Perunad, Kanjira-
kode Cheri, Quilon-Mukthiyar-holder of defendants 1 to 5.

By Advocate Shri T.R.Archutha Warier.

Respondent:

Marihara Iyer Marihara Iyer, residing at Kottavila Puthen
Madhom Kaikulangarachery, Quilon Pakuthy, Quilon-Plaintiff-
decree-holder.

By Advocate Shri.S.Boothalinga Iyer.

This appeal suit having been heard on the 29th August
1952, this court on the same idem delivered the following:

J u d g m e n t.

The only point that merits consideration relates to the
costs ordered to the plaintiff in A.S.169 of 1120(High Court). These
costs are to be paid by the 6th defendant . That is included in the
execution petition and claimed now against defendants 1 to 5. That
cannot be allowed. The plaintiff would be allowed to amend the
execution petition excluding the costs in A.S.169 of 1120 and proceed
with the execution. The order of the lower court is modified to the
above extent and confirmed in other respects. No costs.

Sd/K.T.Koshi, Chief Justice.
Sd/K.S.Govinda Pillay, Judge.

29th August 1952.

(True copy)

Dr. V. S. S. S.
Assistant Registrar for Registrar.
~~Assistant Registrar~~

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In the High Court of Travancore-Cochin.
 before
 His Lordship The Hon'ble Smt. K.T. Kushi, Chief Justice
 and
 His Lordship The Hon'ble Smt. K.S. Govinda Pillay, Judge.
 A.S.No.9 of 1952.
 O.S.No.22 of 115, District Court, Quilon.

Appellant:

Varied Joseph, Kizhake Chavilla Veedu, Parnad, Kattira-
 Kode Cheri, Quilon-Mattayar-holder of defendants 1 to 5.

By Advocate Smt. T.R. Athanath Warier.

Respondent:

Perinara Iyer Marthara Iyer, residing at Kottavilla Puthen
 Nadam Kakkalagacheri, Quilon Pannay, Quilon-Mattayar-
 holder.

By Advocate Smt. S. Bootalinga Iyer.

This appeal suit having been heard on the 28th August

1952, this court on the same day delivered the following:

U d g m e n t .
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15/9/52

The only point that merits consideration relates to the
 costs ordered to the plaintiff in A.S.109 of 1150(High Court). These
 costs are to be paid by the defendant. That is included in the
 execution petition and claimed now against defendants 1 to 5. That
 cannot be allowed. The plaintiff would be allowed to amend the
 execution petition excluding the costs in A.S.109 of 1150 and proceed
 with the execution. The order of the lower court is modified to the
 above extent and confirmed in other respects. No costs.

84/K.T.Kushi, Chief Justice.
 84/K.S.Govinda Pillay, Judge.

28th August 1952.

(True copy)

Assistant Registrar for Registrar.
 Kizhake Chavilla Veedu